

STATE OF MICHIGAN
COURT OF APPEALS

ALEIKA BUCKNER,

Plaintiff-Appellee,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellant.

UNPUBLISHED

June 14, 2016

No. 326564

Court of Claims

LC No. 14-000267-MZ

Before: Sawyer, P.J., and HOEKSTRA and WILDER, JJ.

PER CURIAM.

In this case we are asked to determine whether the Court of Claims has exclusive jurisdiction to decide equitable matters in an action against a state agency when the plaintiff has demanded a jury trial before the circuit court to resolve her legal claims and the state agency has not agreed to joinder of the legal and equitable matters in circuit court. Because the Legislature has expressly contemplated this scenario and decreed that the matters must be split with the Court of Claims retaining exclusive jurisdiction over equitable matters, the Court of Claims erred by transferring plaintiff's equitable demands to the circuit court. We therefore reverse and remand for further proceedings in the Court of Claims.

Plaintiff is a former corrections officer who was terminated in January of 2013 from her employment at the Women's Huron Valley Correctional Facility (HVCF). In June of 2013, she filed suit against the Michigan Department of Corrections (MDOC) in Washtenaw Circuit Court, alleging claims of gender discrimination and retaliatory discharge. According to plaintiff's allegations, MDOC improperly designated gender as a "Bona Fide Occupational Qualification" (BFOQ) for many of the positions at the HVCF, meaning that these functions could only be performed by female correctional officers. Plaintiff contends that this unnecessary BFOQ designation resulted in gender inequality among employees at HVCF in terms of job placement, overtime, and promotion availability. Plaintiff's complaint included a jury demand. She requested monetary damages, an injunction to prevent the illegal BFOQs, and "whatever equitable relief appears appropriate." Later, before trial, plaintiff filed a motion, which she entitled a "motion in limine," seeking a declaration from the circuit court that the BFOQ designations violated the Elliott-Larsen Civil Rights Act (CRA), MCL 37.2101 *et seq.*

MDOC sought a transfer to the Court of Claims pursuant to MCL 600.6404(3).¹ As a result, plaintiff's demands for equitable relief were transferred to the Court of Claims while plaintiff's claims for monetary relief under the CRA remained pending in the circuit court. Plaintiff did not oppose the transfer, and plaintiff later filed a motion in the Court of Claims for declaratory judgment, asking the Court of Claims to declare that MDOC's BFOQ designation violated the CRA. In the meantime, the circuit court case was stayed.

Ultimately, the Court of Claims did not reach the merits of plaintiff's request for declaratory relief. Instead, the Court of Claims transferred the matter back to the circuit court. The Court of Claims determined that, because plaintiff demanded a jury trial in connection with her action under the CRA, the entire matter, including plaintiff's demand for declaratory relief, fell within the circuit court's jurisdiction pursuant to MCL 600.6421(1). The Court of Claims reasoned that it would "be "nonsensical" to require "a plaintiff to file a CRA action in this Court for equitable relief and another CRA suit in circuit court for monetary damages." For this reason, the Court of Claims transferred plaintiff's request for equitable relief back to the circuit court. MDOC now appeals as of right.

On appeal, MDOC argues that the Court of Claims erred by determining that it lacked jurisdiction and by transferring plaintiff's equitable demands back to circuit court. According to MDOC, MCL 600.6419(1)(a) vests the Court of Claims with exclusive jurisdiction over any demand for equitable or declaratory relief against the state. MDOC concedes that MCL 600.6421(1) preserves the circuit court's jurisdiction with respect to claims for which there is a right to a jury trial; but, MDOC contends that this does not encompass demands for declaratory or equitable relief because, unless joined with the jury claims by permission of the parties under MCL 600.6421(3), any requests for equitable or declaratory relief remain in the exclusive jurisdiction of the Court of Claims pursuant to MCL 600.6421(2). We agree.

We review jurisdictional questions de novo. *Mason Co v Dep't of Community Health*, 293 Mich App 462, 471; 820 NW2d 192 (2011). Questions of statutory interpretation are also subject to de novo review. *Kincaid v Flint*, 311 Mich App 76, 82; 874 NW2d 193 (2015). When interpreting statutes, "[i]f the language is clear and unambiguous, it is assumed that the Legislature intended its plain meaning and the statute is enforced as written." *Klida v Braman*, 278 Mich App 60, 64; 748 NW2d 244 (2008).

"The circuit court's jurisdiction derives from the general jurisdiction imparted to circuit courts by the Michigan Constitution." *Okrie v Michigan*, 306 Mich App 445, 467; 857 NW2d 254 (2014). Circuit courts are courts of general jurisdiction with original jurisdiction to hear and determine all civil claims and remedies. *Id.*; Const. 1963, art 6, § 13; MCL 600.605. However, an exception to the circuit court's general jurisdiction exists "where exclusive jurisdiction is given in the constitution or by statute to some other court or where the circuit courts are denied

¹ Under MCL 600.6404(3), beginning November 12, 2013, "any matter within the jurisdiction of the court of claims . . . pending or later filed in any court must, upon notice of the state or a department or officer of the state, be transferred to the court of claims"

jurisdiction by the constitution or statutes of this state.” MCL 600.605; *Hillsdale Co Senior Servs, Inc v Hillsdale Co*, 494 Mich 46, 52; 832 NW2d 728 (2013).

One such exception to the circuit court’s general jurisdiction exists when the Court of Claims has been given exclusive jurisdiction. See *Parkwood Ltd Dividend Housing Ass’n v State Housing Dev Auth*, 468 Mich 763, 774; 664 NW2d 185 (2003). In comparison to the circuit court, the Court of Claims is a court of “legislative creation” that “derives its powers only from the act of the Legislature and is subject to the limitations therein imposed.” *Okrie*, 306 Mich App at 456 (quotation omitted). With the recent passage of 2013 PA 164, the Legislature enlarged the jurisdiction of the Court of Claims Act and transferred the Court of Claims from Ingham Circuit Court to the Court of Appeals. See *Okrie*, 306 Mich App at 449. Cases heard in the Court of Claims are heard “without a jury.” MCL 600.6443.

Relevant to the present dispute, MCL 600.6419(1)(a) now sets forth the jurisdiction of the Court of Claims, in part, as follows:

(1) Except as provided in [MCL 600.6421 and MCL 600.6440], the jurisdiction of the court of claims, as conferred upon it by this chapter, is exclusive. All actions initiated in the court of claims shall be filed in the court of appeals. The state administrative board is vested with discretionary authority upon the advice of the attorney general to hear, consider, determine, and allow any claim against the state in an amount less than \$1,000.00. Any claim so allowed by the state administrative board shall be paid in the same manner as judgments are paid under [MCL 600.6458] upon certification of the allowed claim by the secretary of the state administrative board to the clerk of the court of claims. Except as otherwise provided in this section, the court has the following power and jurisdiction:

(a) To hear and determine any claim or demand, statutory or constitutional, liquidated or unliquidated, ex contractu or ex delicto, or any demand for monetary, equitable, or declaratory relief or any demand for an extraordinary writ against the state or any of its departments or officers notwithstanding another law that confers jurisdiction of the case in the circuit court.

The clear and unambiguous language of this provision provides the Court of Claims with “exclusive” jurisdiction over the various claims and demands listed in MCL 600.6419(1)(a). However, this grant of jurisdiction to the Court of Claims is subject to MCL 600.6421,² which states, in relevant part that:

(1) Nothing in this chapter eliminates or creates any right a party may have to a trial by jury, including any right that existed before November 12, 2013. Nothing in this chapter deprives the circuit, district, or probate court of jurisdiction to hear

² MCL 600.6419(1)(a) is also limited by MCL 600.6440 and other subsections in MCL 600.6419. But, these provisions are not relevant to the present case.

and determine a claim for which there is a right to a trial by jury as otherwise provided by law, including a claim against an individual employee of this state for which there is a right to a trial by jury as otherwise provided by law. Except as otherwise provided in this section, if a party has the right to a trial by jury and asserts that right as required by law, the claim may be heard and determined by a circuit, district, or probate court in the appropriate venue.

(2) For declaratory or equitable relief or a demand for extraordinary writ sought by a party within the jurisdiction of the court of claims described in section 6419(1) and arising out of the same transaction or series of transactions with a matter asserted for which a party has the right to a trial by jury under subsection (1), unless joined as provided in subsection (3), the court of claims shall retain exclusive jurisdiction over the matter of declaratory or equitable relief or a demand for extraordinary writ until a final judgment has been entered, and the matter asserted for which a party has the right to a trial by jury under subsection (1) shall be stayed until final judgment on the matter of declaratory or equitable relief or a demand for extraordinary writ.

(3) With the approval of all parties, any matter within the jurisdiction of the court of claims described in section 6419(1) may be joined for trial with cases arising out of the same transaction or series of transactions that are pending in any of the various trial courts of the state. A case in the court of claims that has been joined with the approval of all parties shall be tried and determined by the judge even though the trial court action with which it may be joined is tried to a jury under the supervision of the same trial judge.

Considering these various provisions, the question in this case is whether, in the absence of an agreement by the parties to join the cases, a party's demand for equitable or declaratory relief must be heard by the Court of Claims separately from matters subject to a jury trial before the circuit court or whether declaratory or equitable relief may be granted by the circuit court incident to a party's assertion of the right to a jury trial.

Adhering to the plain statutory language and reading MCL 600.6419(1)(a) together with MCL 600.6421, we conclude that the Legislature intended to confer *exclusive* jurisdiction on the Court of Claims with respect to any demand for declaratory or equitable relief against the state or any of its departments. See MCL 600.6419(1)(a); MCL 600.6421(2). In comparison, when a party asserts the right to a jury trial before the circuit court under MCL 600.6421(1), unless the parties agree to join the cases under MCL 600.6421(3), the circuit court's jurisdiction is limited to those claims traditionally subject to a jury trial, as the right to a jury trial existed before November 12, 2013, and it does not extend to demands for equitable or declaratory relief against the state. See MCL 600.6421(1) and (2). These demands for equitable and declaratory relief, even those arising from the same transaction as the jury trial matter, instead remain within the exclusive jurisdiction of the Court of Claims pursuant to MCL 600.6419(1)(a) and MCL 600.6421(2). Consequently, when a case involves both jury trial claims and demands for declaratory or other equitable relief, unless the parties agree to join these matters in the circuit court pursuant to MCL 600.6421(3), the matters must be split, with demands for declaratory and

equitable relief proceeding in the Court of Claims and jury trial claims proceeding in the circuit court.³ See MCL 600.6419(1)(a); MCL 600.6421(1) and (2).

Applying the statutory framework in the present case, we conclude that the Court of Claims erred by determining that it lacked jurisdiction and by transferring plaintiff's equitable demands back to circuit court. Plaintiff filed suit against the MDOC, a governmental agency, alleging gender discrimination and retaliatory discharge. She sought monetary damages, an injunction to prevent the improper BFOQ designation, and other equitable relief. See MCL 37.2801. These claims and demands plainly fall within the Court of Claims' jurisdiction under MCL 600.6419(1)(a).

To the extent plaintiff demanded a jury trial, under MCL 600.6421(1), the effect of this jury trial demand was to vest the circuit court, rather than the Court of Claims, with jurisdiction to hear and determine those of plaintiff's claims "for which there is a right to a trial by jury." Undoubtedly, plaintiff's claims for monetary damages arising from a violation of the CRA present the type of legal issues which plaintiff is traditionally entitled to have resolved by a jury. See *Barbour v Dep't of Social Servs*, 172 Mich App 275, 280; 431 NW2d 482 (1988); *Smith v Univ of Detroit*, 145 Mich App 468, 477; 378 NW2d 511 (1985). Consequently, under MCL 600.6421(1), these matters are properly decided by a jury before the circuit court.

However, in contrast, plaintiff's demand for an injunction and her request for declaratory relief involve equitable remedies, and there is traditionally no right to a jury trial where the relief sought is equitable in nature.⁴ See *New Products Corp v Harbor Shores BHB Land Dev, LLC*, 308 Mich App 638, 646; 866 NW2d 850 (2014); *Commissioner of Ins v Advisory Bd of Mich State Acc Fund*, 173 Mich App 566, 586; 434 NW2d 433 (1988); *Smith*, 145 Mich App at 479. Because these equitable matters were not traditionally subject to a jury trial, it follows that the circuit court's jurisdiction to hear and determine plaintiff's jury trial matters under MCL

³ In so holding, we do not necessarily disagree with the Court of Claims' observation that such a result may be "nonsensical." But, we cannot ignore, on this basis, the plain language of the statute which requires this result. It is not our role to question the wisdom of properly enacted statutes, we cannot compel the parties to agree to joinder under MCL 600.6421(3), and we cannot confer jurisdiction on the circuit court simply to promote efficiency. See *Okrie*, 306 Mich App at 459; *Todd v Dep't of Corrections*, 232 Mich App 623, 631; 591 NW2d 375 (1998). It is possible that, in the future, the Legislature may take action which would, in effect, prevent the splitting of matters between the circuit court and Court of Claims. See 2015 H.B. 4847. Until it does so, however, we must enforce the unambiguous statutory language as written.

⁴ Traditionally, even when demands for equitable relief arose in the same case as a jury trial matter, the right to a jury trial did not interfere with the court's power to award equitable relief. See *Prentis Family Found v Barbara Ann Karmanos Cancer Inst*, 266 Mich App 39, 53; 698 NW2d 900 (2005); *Zucher v Herveat*, 238 Mich App 267, 298; 605 NW2d 329 (1999). In other words, when equitable issues and jury submissible issues coexist in a given case, typically the court resolves the equitable issues and the jury decides only those matters suitable for a jury trial. See, e.g., *Smith*, 145 Mich App at 479.

600.6421(1) does not extend to her equitable and declaratory demands. Instead, pursuant to MCL 600.6421(2), although these requests for equitable relief arise from the same transaction as the matter giving rise to her right to a jury trial under MCL 600.6421(1), because MDOC did not agree to join the matters before the circuit court, plaintiff's demands for declaratory or equitable relief under MCL 600.6419(1)(a) remain in the *exclusive* jurisdiction of the Court of Claims. Thus, the Court of Claims erred by transferring plaintiff's demands for declaratory and equitable relief to the circuit court. See MCL 600.6419(1)(a); MCL 600.6421(2).

Reversed and remanded. We do not retain jurisdiction.

/s/ David H. Sawyer
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder